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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,917	12/27/2001	Akira Sugiyama	450100-03653	8054
20999	7590	02/18/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			ARTHUR JEANGLAUDE, GERTRUDE	
			ART UNIT	PAPER NUMBER

2144

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/032,917

Applicant(s)

SUGIYAMA ET AL.

Examiner

Gertrude Arthur-Jeanglaude

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

Figures 32A to 32C should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zick et al. (U.S. Patent No. 5,774,593) in view of Ohnishi (U.S. Patent No. 6,320,710).

As to claims 1,9, Zick et al. disclose a data processor for processing a data stream in which a plurality of blocks (slots; See fig.10)) into which a screen is divided are arranged in a predetermined order (see col. 3, lines 40-45), the data processor comprising: detecting means for detecting block discontinuities based on position

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information of the blocks on the screen (See Fig.8 #92), the position information being stored in each of the blocks arranged in the data stream (See Fig.9A); Though an averaging technique or analysis technique as disclosed in the abstract can be used for correcting block discontinuities, Zick et al. fail to specifically disclose correcting means for correcting block discontinuities based on a result of the detection by the detecting means. In an analogous art, Ohnishi discloses a correcting means (210; as shown in Fig. 2) for correcting block discontinuities based on a result of the detection by the detecting mean (See col.4, lines 2-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Zick et al. with that of Ohnishi by having a correcting means in order to appropriately correct mark patterns.

As to claims 2, 10, Zick et al. disclose a data processor wherein the data stream is a variable-length coded data stream (the video slot or video frame is considered to have variable length or frame), and block discontinuities are detected by the detecting means when the variable-length coded data stream is decoded (See Fig. 9A #106).

As to claims 3, 11, Zick et al. disclose a processor but fail to specifically disclose the correcting means. In an analogous art, Ohnishi discloses the correcting means corrects block discontinuities using a block having the position information that satisfies the continuous order (data reproduction) (See col.3, lines 59-63; col. 4, lines 2-11). ). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Zick et al. with that of Ohnishi by having a correcting means in order to appropriately correct mark patterns.

As to claims 4, 12, Zick et al. disclose a data processor wherein if it is determined from a result of the detection by the detecting means that a portion of the blocks is missing, the correcting means corrects block discontinuities by temporarily interrupting the data stream for the period of the missing block portion.

As to claims 5, 13, Zick et al. disclose a data processor, wherein, if it is determined from a result of the detection by the detecting means that one block and another of the blocks are exchanged (See Fig. 9A, 104) but fails to specifically disclose the correcting means. In an analogous art, Ohnishi discloses the correcting means finds position information of the block subsequent to an exchanged block, and, based on the position information, repeatedly corrects block discontinuities until a block having correct position information is found (See col. 4, lines 5-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Zick et al. with that of Ohnishi by having a correcting means in order to appropriately correct mark patterns.

As to claims 6, 14, Zick et al. disclose a data processor, further comprising a frame (See abstract) memory capable of storing at least one frame of data, wherein at least one frame of data in the data stream is stored in the frame memory. and, it is determined from a result of the detection by the detecting means that the position information of the blocks is discontinuous, (See col. 4, lines 29-47) but fails to disclose the correcting means. In an analogous art, Ohnishi discloses the correcting means corrects the position information discontinuities of the blocks using the data stored in the frame memory (see Fig.4, 6; col. 2, lines 48-59). It would have been obvious to one of

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ordinary skill in the art at the time of the invention to modify the system of Zick et al. with that of Ohnishi by having a correcting means in order to appropriately correct mark patterns:

As to claims 7-8,15-16, Zick et al. disclose that if it is determined from a result of the detection by the detecting means that a portion of the blocks is missing (See fig.9A), but fails to specifically disclose a correcting means. In an analogous art, Ohnishi disclose the correcting means corrects block discontinuities using the data of the block one frame before which corresponds to the missing block portion, the data being stored in the frame memory (306) and the correcting means correctly reorders the blocks by controlling addresses in the frame memory. (See col. 7, lines 33-48; col. 10, lines 4-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Zick et al. with that of Ohnishi by having a correcting means in order to appropriately correct mark patterns.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rackett (U.S. Patent No. 6,282,322)

Blonstein et al. (U.S. Patent No. 5,664,028)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is

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(571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAJ

*GAJ*

February 14, 2005

*Gertrude A. Jeanglaude*  
GERTRUDE A. JEANGLAUDE  
PRIMARY EXAMINER